

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REGINA LEWIS,

Plaintiff,

-against-

CHRYSLER; FIAT CHRYSLER
AUTOMOBILES; DONGFENG MOTOR
GROUP,

Defendants.

ORDER OF SERVICE

23-CV-02631 (PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff Regina Lewis, of Newburgh, Orange County, New York, brings this *pro se* action invoking the court’s diversity jurisdiction. Plaintiff sues: (1) “Chrysler”; (2) Fiat Chrysler Automobiles (“FCA”); and (3) “Dongfeng Motor Group,” which appears to be Dongfeng Motor Corporation (“Dongfeng”). Chrysler appears to be a subdivision of FCA. Plaintiff seeks \$1,500,000 in damages.

By order dated April 28, 2023, the Court granted Plaintiff leave to file this action in this court and Plaintiff’s request to proceed without prepayment of fees, that is, *in forma pauperis* (“IFP”). The Court directs service of Plaintiff’s complaint (Doc. 1) and her affidavit (Doc. 3) on Chrysler and on FCA at their American headquarters in Auburn Hills, Michigan. Because Plaintiff alleges no facts about Dongfeng, the Court does not direct service on Dongfeng, but directs service on Chrysler and on FCA without prejudice to Plaintiff’s amending her complaint to state a claim against Dongfeng.

DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service of her complaint and affidavit on Chrysler and on FCA through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for each of those defendants. The Clerk of Court is further instructed to issue a summons for each of those defendants and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service of Plaintiff’s complaint and affidavit upon those defendants at their American headquarters in Auburn Hills, Michigan.

If service of Plaintiff’s complaint and affidavit is not performed on Chrysler and on FCA within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served summonses, Plaintiff’s complaint, and her affidavit until the Court reviewed the complaint and the affidavit and ordered that summonses be issued. The Court therefore extends the time to serve until 90 days after the date that summonses are issued.

CONCLUSION

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also directs the Clerk of Court to issue summonses for Defendants Chrysler and Fiat Chrysler Automobiles; complete USM-285 forms with the addresses of those defendants; and deliver all documents necessary to effect service of Plaintiff's complaint (Doc. 1) and affidavit (Doc. 3) on those defendants at their American headquarters in Auburn Hills, Michigan, to the U.S. Marshals Service.

SO ORDERED:

Dated: White Plains, New York
April 28, 2023

A handwritten signature in black ink, appearing to read 'PHM', is written above a horizontal line.

Philip M. Halpern
United States District Judge

DEFENDANTS AND SERVICE ADDRESSES

1. Chrysler
1000 Chrysler Drive
Auburn Hills, Michigan 48326
2. Fiat Chrysler Automobiles
Chrysler Headquarters
1000 Chrysler Drive
Auburn Hills, Michigan 48326